IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 8429 of 2005

Between:

R. Cheeranjeevi, S/o. Guravaiah, Hindu,
R/o. Shivajyothi Nagar, Tirupathi, Chittoor District.

..... PETITIONER

AND

1 The District Collector, Chittoor, Chittoor District.
2 The Revenue Divisional Officer, Tirupathi, Chittoor District.
3 The Mandal Revenue Officer, Tirupathi, Chittoor District.
4 S. Nagarathanamma, W/o. /guruswami Naidu, R/o. Ananthaburrapagari Palli, Itheipally Post, Chandragiri Mandal, Chittoor District.
5 M. Uma Devi, W/o. Munisekhar Naidu, R/o. Ananthaburrapagari Palli, Itheipally Post, Chandragiri Mandal, Chittoor District.
6 M. Munishakar Naidu, S/o. Not Known, R/o. Ananthaburrapagari Palli, Itheipally Post, Chandragiri Mandal, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ order or direction more particularly one in the nature of Writ of Mandamus declaring the inaction on the part of the official respondents in taking the steps representation made by the petitioner against unofficial respondents and their family members in allotting the house site pattas in their favour bearing in S.No. 698/2, Shivajyothi Nagar, Tirupathi Urban Mandal, Chittoor on misrepresentation of fact made by the unofficial respondents amounts to erroneous, arbitrary and violative of Art 14 & 21 of the Constitution of India and consequently direct the official respondents to hold detail enquiry about the eligibility of unofficial respondents and their family members and cancel their pattas, assigned in S.No. 698/2, Shivajyothi Nagar, Tirupathi Urban Mandal, Chittoor district and by allotting the same to the petitioner as per the representation made by the petitioner and other and to pass necessary order or orders as this Hon'ble Court may deem fit.

Counsel for the Petitioner : MR. T.C.KRISHNAN
Counsel for the Respondents 1 to 3: GP FOR REVENUE

The Court at the stage of admission made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.8429 OF 2005

ORDER:

The petitioner claims to be in occupation of 2 cents of Government land in Sy.No.698/2 of Shivajyothi Nagar within Tirupati Urban Area wherein he has constructed a thatched house. It is claimed that he has been residing in the said house for the past several years.

The petitioner states that since he is a landless poor, he made repeated representations along with others requesting the third respondent – Mandal Revenue Officer, Tirupathi to grant house site pattas in their favour in respect of the small extents of land in their occupation. It is alleged that on a similar representation made by some others including the respondents 4 to 6 herein, house site pattas were issued in their favour in spite of the fact that they are ineligible for such assignment. It is further alleged that on the basis of the said pattas some of the assignees have also sold the assigned lands in favour of third parties in violation of the provisions of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977. The petitioner states that though the said fact has been brought to the notice of the respondents 1 to 3 requesting to take the necessary action, the respondents 1 to 3 failed to take any action. The respondents 1 to 3 have also failed to consider the request of the petitioner for grant of house site patta in spite of the fact that he is

eligible for the same. Hence, this writ petition seeking a declaration that the inaction on the part of the respondent in considering the representation of the petitioner as arbitrary and illegal.

Having heard the learned Counsel for the petitioner and the learned Government Pleader for Assignments appearing for the respondents 1 to 3, without expressing any opinion as to the correctness of the allegations made by the petitioner, the Writ Petition is disposed of with a direction to the respondents 1 to 3 to consider the representation of the petitioner dated 7-4-2005 and to pass appropriate orders in accordance with law after affording due opportunity to all the parties concerned as expeditiously as possible preferably within a period of eight weeks from the date of receipt of this order. No costs.

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15th April, 2005.

Note:- CC in 2 days.

(B/O)

gbs

To

1 The District Collector, Chittoor, Chittoor District.
2 The Revenue Divisional Officer, Tirupathi, Chittoor District.
3 The Mandal Revenue Officer, Tirupathi, Chittoor District.
4. Two CCs to G.P. for Revenue, High Court of AP Bldgs, Hyderabad (OUT).

5. Two CD copies.